IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.
JUDGMENT.

Ram Lal vs. Kanwari Lal & ors.

S.B. Civil Second Appeal No.453/2005 against the judgment and decree dated 7.5.2005 passed by the Addl. District Judge (Fast Track) No.1, Pali H.Q. Jaitaran in Civil Appeal No.25/2005.

Date of Judgment: April 18, 2006.

PRESENT
HON'BLE MR. PRAKASH TATIA,J.

Ms. Manish Shishodia, for the appellant.
Mr. Rajendra Charan,for the respondents.

BY THE COURT:

Heard learned counsel for the parties.

Brief facts of the case are that the plaintiff-respondents filed the suit for prohibitory as well as mandatory injunction against the appellant-defendant with the allegation that there is a way for the house of the plaintiff which is being obstructed by the defendant-appellant. During pendency of the suit, the plaintiff obtained *Patta* from the co-defendant Municipal Board, Jaitaran about the land which according to the plaintiff is the land of the way. The defendant-appellant also filed cross-suit seeking injunction against the present plaintiff. The said civil original suit no.163/2001 (59/96)- Ram Lal & anr. vs. Kanwari Lal & ors. Was dismissed by the trial court on

6.11.2001. The regular first appeal was also dismissed by the appellate court on 7.5.2005. The present appellant preferred S.B.Civil Second Appeal No.257/2005 which was dismissed by this Court on 9.9.2005. Leave to appeal was preferred by the present appeal in his suit and the Said Special Leave to Appeal (Civil) No.226/2006 was dismissed by the Hon'ble Supreme Court on 16.1.2006. In the present appellant's suit, this Court in present appellant's suit no.163/2001, in S.B.Civil Second Appeal No.257/2005 observed that obtaining *Patta* by the defendant from the co-defendant during pendency of the plaintiff's suit is of no effect.

Since the two courts below held that the land in question is land of the way and in appellant's another suit, the effect of the *Patta* has been examined and the issue has been decided against the present appellant and the appeal has been dismissed, I do not find any substantial question of law involved in this appeal.

Hence the appeal of the appellant is dismissed.

(PRAKASH TATIA),J.

mlt.